

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:04CR76
)	
Plaintiff,)	
)	
)	Judge John R. Adams
- vs -)	
)	<u>ORDER</u>
John Kolcun)	
)	
Defendant.)	

This matter was heard on September 8, 2005, upon the request of the probation office for a finding that the defendant had violated the conditions of his supervised release. The defendant was present and represented by counsel. Upon consideration of statements of counsel, the Court finds that the terms of the defendant's supervised release have been violated as follows:

1) Law Violation - On January 30, 2005, the offender was arrested in Lorain, Ohio, and charged with aggravated robbery (F1). The case was bound over to the Lorain County Common Pleas Court #05CR067178. On April 18, 2005, the offender plead guilty to aggravated robbery and was sentenced to 4 years imprisonment. He is currently being held at the Richland Correctional Institution, Mansfield, Ohio.

2) Illicit Drug Use - According to the Lorain County Probation Office, the offender submitted urinalyses on March 1, 2004 and May 3, 2004, which indicated positive results for cocaine use. On May 15, 2004, the Lorain County Probation Office placed the offender at the community based correctional facility for a term of five months. On May 27, 2004, the offender contacted this officer and admitted to relapsing by using cocaine.

4) Failure to report to the U.S. Probation Office - The offender failed to report to this office within 72 hours of his release from Lorain County jail. The offender has left 2 messages indicating he is aware that he must report, but he has failed to come in on the days mentioned. He has left no forwarding telephone number and/or address.

Therefore, the defendant is committed to the custody of the Bureau of Prisons for a period of (15) months to run consecutive to the sentence in case 05CR067178. Upon motion of the Government, Violation #3 has been dismissed.

Further, the defendant's term of supervised release is revoked and no further supervision is ordered. The defendant is to pay the balance of restitution in the amount of \$6,71.20. Any monies the defendant earns while incarcerated are to be applied toward restitution. Upon completion of state sentence and beginning of the sentence imposed for this matter, the Court recommends placement in a facility that can actively address defendant's medical treatment needs and further recommends placement in the 500 out drug program.

The defendant is remanded to the custody of the United States Marshal, Akron, Ohio.

IT IS SO ORDERED.

Date: September 12, 2005

s/John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE